

III. Violations of the Administration Code for Kentucky's Educational Assessment Program

All individuals participating in the administration of the testing program shall comply with the Administration Code for Kentucky's Educational Assessment Program. These steps shall be followed for any alleged state testing violation:

STEP 1: An allegation of inappropriate practices received at the Kentucky Department of Education shall be referred to the Bureau of Management Support Services, Division of Management Assistance.

STEP 2: Staff in the Division of Management Assistance shall manage the process for investigating each allegation of inappropriate testing practice. In order to make an investigation possible, an allegation shall include at least the name of the school or school district and a specific allegation. An anonymous allegation of inappropriate testing practices shall be investigated where: 1) the allegation is submitted in writing; 2) the specific name of the school is provided; 3) the names of individuals allegedly committing the inappropriate practices are provided and 4) the allegation can be corroborated through an identifiable source or document other than the person making the anonymous allegation. Local school district personnel shall be expected to cooperate in the investigation process as requested.

STEP 3: Staff in the Division of Management Assistance shall report all findings for each allegation to the Board of Review. This Board shall consist of members appointed by the Commissioner of Education representing various Divisions within the Kentucky Department of Education or agencies outside the Department of Education

STEP 4: The Board of Review shall review the findings and make a recommendation to the Commissioner of Education.

STEP 5: The Commissioner of Education shall make a final determination and then notify the school district superintendent and the school board chairperson of this determination. If one or more of the allegations is determined to be valid and warrants invalidation or change of scores, the Commissioner of Education shall direct the Deputy Commissioner of Learning Support Services to make appropriate adjustments in a school or district's scores.

If one or more of the allegations is determined to be valid and it appears that a school district employee is responsible for the wrongdoing, then within 45 days of the date of notification by the Commissioner of Education to the school district superintendent of the final determination or at the point which the local district superintendent has confirmed the wrongdoing by a certified staff member, whichever is earlier, the local district superintendent shall:

- a) Report in writing to the Commissioner of Education whether disciplinary action was taken or considered necessary; and
- b) Comply with his reporting responsibility to the Education Professional Standards Board pursuant to KRS 161.120.

If school or district accountability indices are adjusted as a result of the Commissioner's final determination, individual student reports shall not be changed, but changes to school or district accountability indices shall be reflected in the next scheduled score report release. Scores used to calculate the affected growth indices shall be adjusted, and may be reduced to non-performance for accountability purposes. Scores used to calculate baselines for the subsequent cycle shall not be changed.

STEP 6: After the local district receives the letter from the Commissioner of the action to be taken by the Department, the school may challenge the action by appealing the next performance judgment it receives. This process is described in 703 KAR 5:050, Statewide Assessment and Accountability Program: School Building Appeal of Performance Judgments.